

**MINUTES**  
**LAKE COUNTY ZONING BOARD**  
**January 5, 2011**

The Lake County Zoning Board met on Wednesday, January 5, 2011 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for rezoning and conditional use permits.

The recommendations of the Lake County Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, January 25, 2011 at 9 a.m. in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Egor Emery	District 4
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative
Jim Miller	School Board Representative

**Members Not Present:**

John Childers	Ex-Officio, Nonvoting Military Representative
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**Staff Present:**

Brian T. Sheahan, AICP, Director, Planning and Community Design Division  
Steve Greene, AICP, Chief Planner, Planning and Community Design Division  
Rick Hartenstein, AICP, Senior Planner, Planning and Community Design Division  
Melving Isaac, Planner, Planning and Community Design Division  
Jennifer Cotch, Planner, Planning and Community Design Division  
Aziza Bryson, Planning and Community Design Division  
Ann Corson, Office Associate IV, Planning and Community Design Division  
Ross Pluta, Engineer III, Engineering Division  
Erin Hartigan, Assistant County Attorney

Chairman Bryan called the meeting to order at 9:04 a.m. He led in the Pledge of Allegiance, and Tim Morris gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor and that this meeting had been noticed pursuant to the Sunshine Statute.

Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

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PH#02-11-4	W. Wit and K. & R. Garman Project Orianne, Ltd. Lake County Planning & Community Design	3
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MINUTES

MOTION by Scott Blankenship, SECONDED by Tim Morris to approve the December 1, 2010 Lake County Zoning Board Public Hearing minutes, as submitted.

FOR: Morris, Blankenship, Gardner, Bryan, Wells, Emery, Miller

ABSENT: None

AGAINST: None

NOT PRESENT: Childers

MOTION CARRIED: 7-0

OPENING DISCUSSION

Chairman Bryan welcomed the new School Board Representative, Jim Miller.

Brian Sheahan, Director, stated that there was a small correction to consent agenda item 2, case number PH#01-11-2, which was a clarification of the legal description that is within the advertised boundary. He also noted the continuance request from Ms. Bonifay in regards to continuing case number PH#28-10-4, Renninger's Florida Twin Markets, until the February hearing, as the Applicants are considering the input from the City Council of Mt. Dora and still working with staff.

Egor Emery asked that agenda item 2, PH#01-11-2, Toyota of Clermont, be pulled from the consent agenda for discussion.

CONSENT AGENDA

PH#11-09-2 (Continuance Request to 3/2/2011)	Eagles Landing at Ocoee, LLC Lake Apopka Sound Planned Unit Development Rohland A. June	1
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**MOTION** by Tim Morris, **SECONDED** by James Gardner to recommend **APPROVAL** of the consent agenda, consisting of agenda items 1, 3, 4, and 7.

**FOR:** Morris, Blankenship, Gardner, Bryan, Wells, Emery, Miller

**ABSENT:**

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED:** 7-0

REGULAR AGENDA

CASE NO: PH# 28-10-4

AGENDA NO. 5

OWNER: Renninger's Florida Twin Markets, Inc.  
APPLICANT: Cecelia Bonifay/Christopher Roper, Esq., Akerman Senterfitt  
PROJECT NAME: Renninger's Florida Twin Markets

Brian Sheahan, Director, said this continuance is fully supported by staff. Staff is continuing to work with the Applicant in accommodating some of the minor changes brought up by City Council on December 21, 2010 and would like to work out as much as possible before the case is brought back before the Board.

**MOTION** by Egor Emery, **SECONDED** by James Gardner to recommend **APPROVAL** of the Applicant's request for a thirty (30) day continuance on Case No. PH#28-10-4, Renninger's Florida Twin Markets, to the February 2, 2011 Zoning Board meeting.

**FOR:** Morris, Blankenship, Gardner, Bryan, Wells, Emery, Miller

**ABSENT:**

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED:** 7-0



CASE NO: PH# 31-10-4

AGENDA NO. 6

OWNER: The Florida Easter Seals Society, Inc.  
APPLICANT: Timothy W. Green – Green Consulting Group, Inc.  
PROJECT NAME: Easter Seals Society/Camp Challenge

Rick Hartenstein, AICP, Senior Planner, gave an overview of the project. The Applicant is requesting to amend the existing Community Facilities District zoning ordinance and to add the use of a private club to fly remote control airplanes and primitive tent camping to the uses that were authorized by Ordinance No. 2000-47 and CUP#484-4. These Ordinances are to be superseded and replaced by the proposed ordinance which combines all uses under one ordinance.

Mr. Hartenstein stated that the proposed rezoning related to the private club is inconsistent with goal one of the Future Land Use element of the comprehensive plan and is also inconsistent with Land Development Regulations in sections 1.0301b and 1.04.

By showing the revised conceptual plan (Attachment 3) from the staff report, Mr. Hartenstein showed how the gross area for the proposed use is too small to support all of the aircraft that is flown on the site based on the recommended design criteria that was published by the Academy of Model Aeronautics (AMA). Mr. Hartenstein discussed the AMA criteria and recommendations. He also discussed property lines, the changes in the site plan, and the problems as a result of those changes.

Safety regulations as set by the AMA were discussed and Mr. Hartenstein referred to a letter (Attachment 6 in staff report) from an AMA Site Coordinator that stated that the weight of the models should be restricted to a weight of less than 30 pounds and turbine engine powered models should be prohibited. In regards to the safety regulations and flight area, Mr. Hartenstein requested further information from the AMA asking if they had any site specifications or design criteria to support a 30 pound aircraft. The AMA responded that there were no specific requirements in site design for the model aircraft but that they have several recommended site layouts, but nothing that required them to be used.

Mr. Hartenstein described the surrounding area and stated that adding the use of a private club and primitive camping to the existing uses is consistent with the CFD zoning district, but the proposed remote control aircraft club for the flying area is not consistent with the existing uses in the surrounding area based on the analysis. He also mentioned the comments and concerns of the County Public Lands Program, which included noise, fire risk, and trespassing.

Mr. Hartenstein commented that should the Board approve the RC aircraft flying club portion of the request that there are restrictions limiting the size of the aircraft included in the Ordinance along with specific conditions related to the flight area so that it would provide additional measures to delineate the designated flight area and assist the flying club members while flying their model aircraft. He added that should the Board deny that portion of the request that that section would be deleted from the proposed ordinance.

Tim Morris, Board member, asked if it was a public club versus private would that make any difference. Mr. Hartenstein answered no, saying that the problem is really the land area and layout. He also mentioned two sites that are on public land in Astatula and Lady Lake.

Chairman, Paul Bryan, asked if staff would still recommend denial if the Applicants owned the surrounding properties. Mr. Hartenstein stated that ownership issues are part of the reason for recommending denial. Other reasons are related to the impacts to the environmental areas and negative effects to surrounding owners in the area.

James Gardner, Board member, stated that safety seems to be a major concern and he wanted to know who would be flying these aircraft. Mr. Hartenstein said the Applicant would be able to answer that question.

Chairman Bryan asked several questions related to the Astatula and Lady Lake flying clubs. Since those clubs are also in the County, Mr. Bryan stated that he was trying to figure out what the guidelines were in



the Land Development Regulations. Mr. Hartenstein pointed out that part of what made this such a difficult case is that there are no guidelines in the Land Development Regulations.

Tim Green, AICP, ASLA, Green Consulting Group, the Applicant, stated that operating remote control airplanes is not restricted by the Comprehensive Plan. Using Applicant Exhibit A, Mr. Green showed the site. He stated that the flying activity on the site has been happening for 5 years. Mr. Green discussed the AMA recommendations, weight regulations, distances, and safety zones. He also commented that there are not many hazards for passing by traffic despite the concerns in regards to Hwy. 46, and also responded to some of the concerns regarding fires and trespassing.

Mark Wells, Board member, asked if there were any kind of visual barriers to help coordinate ground space to air space, such as markers, tree lines, or natural tree lines. Mr. Green stated that on one side there are trees and there is nothing on the other side except a fence. It was stated that the proposed ordinance includes placement of flag type markers on the ground.

Helen McCormick spoke about all the grief she has been caused in the last 3 years as a result of this club. She voiced her surprise that a club would be allowed so close to a residential area, near power lines, and near a major Hwy. She stated that the planes were small 3 years ago, now she has noticed the planes have gotten bigger and louder, fly outside of the fence, and that some of these planes have a wingspan of 6 ft. She said neighbors are furious and that they have been calling the club to complain. Ms. McCormick also voiced her concerns about the planes flying over the road and Hwy. 46, potential fires, or plane crashes. Ms. McCormick stated that these planes cause a conflict and she wants to protect the community.

David Norman stated that he is a member of the Central Florida Sports Flyers and is also one of the neighbors. He stated that Ms. McCormick's statement about the neighbors not liking the club is untrue, and that Ms. McCormick is the only one who has a problem with the club. Responding to a concern about fires, Mr. Norman explained that the club does not allow turbine jets and that those were the ones related to incidences of fire. He stated that the majority of the members mostly fly small, electric planes and that he is not aware of anyone having a plane over 30 pounds.

Jim Miller, Board member, asked about the wingspan of the biggest plane, which is 27 pounds. Mr. Norman stated that the wingspan is approximately 94 inches. Mr. Norman maintained that in order to fly these planes they must stay within their line of sight therefore they do not fly behind the flight line or past the tree line.

In response to an earlier question from Mr. Gardner regarding the club members and who is flying the planes, Mr. Norman stated that there are approximately 80 club members; the age range is across the board, yet many are retired, many live in Lake County, and there are a lot of fathers and sons who enjoy the sport.

Scott Blankenship, Board member, asked if there were restrictions on the weight limits of the aircraft, would that be a problem for the club. Mr. Norman stated that they would like to see no restrictions, but that they would not have a problem flying smaller planes if they were allowed to have the field.

Scott Taylor, a neighbor, is in opposition of the request but is a supporter of Camp Challenge and has nothing against remote control planes. Mr. Taylor voiced his opinion about the noise these planes make, stating that as early as 7 a.m., it sounds like a "weed eater" contest. Mr. Taylor commented that he is in agreement with the recommendations made by staff. Mr. Taylor also pointed out that, despite the maps, the planes do fly over his property. He stated that he has found crashed planes on his property and has witnessed a father and son trespassing on his property in order to retrieve a crashed plane. Mr. Taylor said that the main issue for him was safety. He also voiced his concern regarding potential fire hazards, noise levels, a possible noise ordinance, and the safety of the kids at Camp Challenge.

Chairman Bryan confirmed with Mr. Sheahan that there is a noise ordinance in place.

Egor Emery, Board member, asked Mr. Taylor if the planes crossed over Hwy. 46 and flew past his property. Mr. Taylor answered yes.

Mr. Green, the Applicant, stated that the club was unregulated, yet is now before the Board asking for certain criteria. He reminded the Board that in the previous month, they continued the case in order to take time to reverse the field to address concerns of flying over Mr. Taylor's site, over Hwy. 46, over the future expansions of Hwy. 46, and the connections to Wekivía Parkway. Mr. Green stated that once the ordinance is in place, Code Enforcement would be able to enforce any violations of the restrictions that are placed in the ordinance.

Brad Paul, President of Central Florida Sports Flyers, stated that they are trying to operate as a good neighbor and a good club in the neighborhood. He addressed the issues raised in relation to the noise and informed the Board that according to the AMA, there are no specific sound standards. He did note that according to the Fédération Aéronautique Internationale (FAI), there is a general standard used internationally, which is 90 decibels at 3 meters. Mr. Paul stated that approximately 2 years ago, they had the AMA Vice President for the South-East come out to the field with a sound meter to measure the noise. From the measurements, the noise range was between 72 and 86 decibels, with their loudest plane never exceeding 86 decibels. He also discussed trespassing, the members of the club, and the weight of the planes. In discussing the weight of the planes, he described the differences between flying the smaller models (30 lbs) versus the larger, "giant scale" models (55 lbs). He specifically requested that they would be limited to flying planes that exclude those larger types of models.

Mr. Blankenship raised a question about hours of operation. Mr. Paul stated that they would prefer hours of 8 a.m. to 5 p.m., and 9 a.m. to 5 p.m. on Sunday but were open to what staff recommended. Chairman Bryan asked how people who do not follow the rules will be dealt with. Mr. Paul stated that they would make it an absolute requirement that if anyone is found in violation of the restrictions, that they will set up certain consequences for violators and come up with a procedure to keep members in line.

Mr. Sheahan stated that there is a noise ordinance in place and should the Board approve the Applicant's request, a noise study is to be conducted. In regards to trespassing, Mr. Sheahan clarified that the trespassing is only an issue as far as retrieval of planes, not of planes flying above in air space.

Further Board discussion took place in regards to the noise ordinance, trespassing issues, and the possible noise study.

**MOTION** by Egor Emery, **SECONDED** by James Gardner to **APPROVE** the proposed rezoning request to continue the existing uses with the additional use of Primitive Tent Camping for special events, subject to the conditions set forth in the attached Ordinance and **DENIAL** of the request for a Private Club for the operation of model aircraft as stated in the findings of fact.

**FOR:** Emery, Gardner

**ABSENT:**

**AGAINST:** Morris, Blankenship, Miller, Bryan, Wells

**NOT PRESENT:** Childers

**MOTION FAILED:** 2-5

Mr. Wells mentioned that he considers his neighbors' small remote control plane non-intrusive because it is a smaller airplane. Mr. Emery suggested a change to some of the specific conditions located on page 3 of 6 in the Ordinance. Further Board discussion took place.

**MOTION** by Tim Morris, **SECONDED** by Scott Blankenship to **APPROVE** the proposed rezoning request to continue the existing uses with the additional use of Primitive Tent Camping for special events, subject to the conditions set forth in the attached Ordinance and **APPROVAL** of the request for a Private Club for the operation of model aircraft as stated in the findings of fact.



**FOR:** Morris, Blankenship, Miller, Bryan, Wells

**ABSENT:**

**AGAINST:** Emery, Gardner

**NOT PRESENT:** Childers

**MOTION CARRIED:** 5-2

CASE NO: PH#01-11-2

AGENDA NO. 2

OWNER: Clermont Motor Sales, LLC  
APPLICANT: Jay Doucette, P.E.  
PROJECT NAME: Toyota of Clermont

Egor Emery asked that agenda item 2, PH#01-11-2, Toyota of Clermont, be pulled from the consent agenda for discussion.

Mr. Emery stated his disagreement with the statement that the frontage road requirement imposes a burden on the development of the auto dealership. As a result, he stated that he would not be able to vote in support of the Ordinance as it is laid out.

Mr. Blankenship stated that he is very familiar with the property, as he lives across the street, and has no issues with the project.

**MOTION** by Scott Blankenship, **SECONDED** by Jim Miller to **APPROVE** the request to remove the frontage road requirement by replacing Ordinance#2005-61 with a new ordinance.

**FOR:** Morris, Blankenship, Miller, Bryan, Wells, Gardner

**ABSENT:**

**AGAINST:** Emery

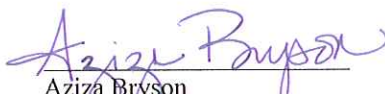
**NOT PRESENT:** Childers

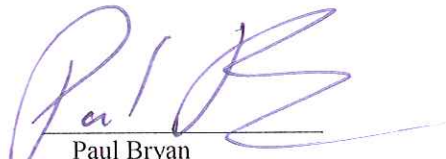
**MOTION CARRIED:** 6-1

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 10:53 a.m.

Respectfully submitted,

  
Aziza Bryson  
Public Hearing Coordinator

  
Paul Bryan  
Chairman